

Planning & Zoning Commission Meeting
Mid-Month Meeting Minutes of June 18, 2009
1st Floor North Conference Room - City Hall

Present: Cindy Weeks, Vice-Chair Presiding; Thomas Byers; Nathaniel Cannady, Darryl Hart, Jerome Jones and Mark Sexton

Absent: Chairman Steven Sizemore

Regular Meeting - 4:00 p.m.

Ms. Weeks called the meeting to order at 4:00 p.m. and informed the audience of the public hearing process.

Administrative

- ? Mr. Jones moved to approve the minutes of the June 3, 2009, meeting. This motion was seconded by Mr. Hart and carried unanimously by a 6-0 vote.
- ? Planning & Development Director Judy Daniels noted that information has been provided to the Commission members regarding stormwater for their July 23, 2009, meeting.

Agenda Items

(1) Ordinance amending Chapter 7 of the Code of Ordinances regarding the response to current economic climate

Urban Planner Alan Glines said that this is the consideration of amendments to the Unified Development Ordinance (UDO) (Chapter 7) regarding the response to current economic climate. These amendments are designed to enhance opportunities for economic growth and relax some non-life safety standards that affect businesses and smaller economic endeavors while still addressing public welfare and supporting City adopted goals.

Since the beginning of the year staff has been reviewing the UDO to identify changes that could either simplify normal review processes or encourage economic development opportunities during this economic downturn. Two sets of wording amendments focusing on economic relief have been presented to the Planning & Zoning Commission and City Council this year. City Council has approved these economic relief amendments and encouraged staff to continue the initiative.

The current proposal is based on a review of past requests from the development/business community for specific relief from some development standards. Each issue has been carefully studied to understand the purpose and intent of the ordinance and seek ways to enhance its effectiveness while maintaining life and safety standards. The three amendments come from two different areas of the UDO and are distinct in their directives and are described separately below. Each item will also require a separate vote. Although the economic opportunities are the focus of the proposals, impacts and consequences have also been considered and are identified in a "pros" and "cons" section following each item.

The proposed wording amendments are focused on two areas of the UDO:

- ? Setback reductions in steep slope areas (Article XII)
- ? Two sign regulation amendments (Article XIII)

Staff continues to meet with neighborhood representatives, property owners, members of the business community and other stakeholders to obtain their thoughts on these and further changes being evaluated.

- 1. Issue: In steep slope areas that are zoned RS-2 and RS-4 the required front setbacks (35 feet and 25 feet respectively) can pose a particular challenge for sites that are required to minimize grading and vegetation clearing in accordance with environmental protection standards. This amendment would allow staff to approve reasonable setback reductions to decrease grading and enhance protection of existing vegetation.**

Current: The steep slope ordinance limits the amount of grading allowed depending on the natural slope and elevation of a parcel. Many steep slope areas are zoned RS-2 and RS-4 which have larger front setbacks that define part of the character of these zoning districts. The steep slope protection standards seek to limit the disturbance of these sensitive areas and large front setbacks may be inconsistent with those goals. Property owners who seek to reduce setbacks to reduce site grading must apply to the Board of Adjustments for a variance.

Proposal: Allow the Planning and Development Director to approve front setback reductions from 35 feet to 20 feet in RS-2 Zones and from 25' to 15' in RS-4 Zones such that the setback reduction results in reducing site grading and enhances protection of existing trees and other vegetation. As a point of clarification, grading allowances would not be expanded as the result of a setback reduction.

Relevant Code Sections: 7-12-4(h) Tree and other specified vegetation preservation

Pros:

- ? **Proposal is consistent with goals of environmental protection**
- ? **Enhances the protection of existing trees and other vegetation**
- ? **Saves time delays and additional expense for homeowners and builders**

Cons:

- ? **Could result in an irregular pattern of development (varying setbacks) in a neighborhood**

Upon inquiry of Ms. Weeks, Mr. Glines said that if the Planning and Development Director did not approve the setback the property owner could appeal to the Board of Adjustment.

Mr. Byers strongly supported of this amendment.

- 2. Issue: Simplify the requirements for A-frame signs to provide for permit renewal once a year and to allow A-frames signs in Urban Place District and the Biltmore Village Historic District.**

Current Procedure: A-frame signs permits are valid for six months with renewals thereafter valid for one year. The code also specifies the zoning districts where A-frame signs are allowed and Urban Place District (UP) is not on the list although the pedestrian focus of A-frame signs fits the purpose of the UP district. Adding A-frame signs to Biltmore Village as a district will complement the pedestrian character and goals of that area.

Proposal: The proposed change would make the A-frame sign permit valid from time of issuance until the annual renewal for these signs occurring on July 1st of each year. The second part of the amendment adds Urban Place District as a zoning

district and Biltmore Village Historic District to the list of areas where A-frame signs are allowed.

Relevant Code Sections: 7-13-4(8)c. and 7-13-4(8.)c.13.

Pros:

- ? Simplifies the permit process for signage useful in pedestrian oriented areas
- ? Corrects an oversight by adding Urban Place to the list of zoning districts
- ? Supports the pedestrian character and goals of the Biltmore Village Historic District
- ? Merchants in Biltmore Village and members of the Historic Resources Commission are supportive of the proposal

Cons:

- ? Some business areas will still not be able to meet accessibility standards for A-frame signs

In response to Mr. Jones, Mr. Glines said that we have minimum accessibility standards of 4 feet in order to comply with the Americans with Disabilities Act.

3. Issue: Business associations and civic groups need a way to coordinate temporary signage for a special event or sale

Current Procedure: Although temporary signs are allowed on a business by business basis in the sign ordinance there are few options for business associations or civic groups to come together and coordinate signage for a single event or special sale.

Proposal: The code amendment would allow a temporary sign for individual members of an organized association, to place a single on-premise sign or banner for a specific event with the following requirements:

- ? The event is limited to three days
- ? The sign is placed on-premise
- ? The size of the sign or wind sign is limited to a maximum of twelve (12) square feet per face
- ? The permit may cover a single event date or a recurring series of events not to exceed 30 days on a yearly basis
- ? Clearance over right-of-way areas and driveways will be consistent with requirements for wind signs.

Relevant Code Sections: 7-13-4(a.)

Pros:

- ? **Helps to identify a special event**
- ? **Creates a process for special signage for organized events**

Cons:

- ? **Signs have sometimes been an item of controversy in the community**

These proposals were shared with the Coalition of Asheville Neighborhoods at their meeting on June 8, 2009, and with other business associations and groups. No specific concerns were noted.

Collectively, these amendments may encourage some additional or small scale development or re-development without increasing a need for service. Fiscal benefits include those typically associated with new development or re-development but actual benefits cannot be predicted.

The Planning and Development Department staff recommends approval of these wording amendments.

Ms. Weeks opened the public hearing at 4:16 p.m. and when no one spoke, she closed it at 4:16 p.m.

Based on the above findings and the analysis provided in the report, Mr. Cannady moved to recommend approval of the amendment to Chapter 7 of the Code of Ordinances regarding setback reduction allowances for RS-2 and RS-4 lots located in steep slope areas. This motion was seconded by Mr. Hart and carried unanimously by a 6-0 vote.

Based on the above findings and the analysis provided in the report, Mr. Jones moved to recommend approval of the amendment to Chapter 7 of the Code of Ordinances regarding an A-frame sign amendment for specific districts. This motion was seconded by Mr. Cannady and carried unanimously by a 6-0 vote.

Based on the above findings and the analysis provided in the report, Mr. Hart moved to recommend approval of the amendment to Chapter 7 of the Code of Ordinances regarding business and civic association special event signage. This motion was seconded by Mr. Sexton and carried unanimously by a 6-0 vote.

Mr. Glines updated the Commission on some future amendments that will be brought forward.

In response to Ms. Weeks, Ms. Daniels said that ideas for the changes to the UDO regarding the economic climate come from staff, the developer's forum, the Coalition of Asheville Neighborhoods and other groups or individuals.

Ms. Daniels updated the Commission on the process for moving forward on the Downtown Master Plan, noting that one change (proposals that border Pack Square being a Level III review) may be coming forward sooner than the others.

Other Business

Ms. Weeks announced the cancellation of the July 1, 2009, regular meeting. She also announced a mid-month meeting of the Planning & Zoning Commission on July 23, 2009, at 4:00 p.m. in the First Floor Conference Room in the City Hall Building.

Adjournment

At 4:30 p.m., Mr. Jones moved to adjourn the meeting. This motion was seconded by Mr. Byers and carried unanimously by 6-0 vote.